

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

AARON JACOB MINDIOLA,

Plaintiff,

v.

STATE OF ARIZONA *Kris Mayes, Arizona
State Attorney General, ARIZONA
MARICOPA COUNTY Jennifer Pokorski,
County Manager for Maricopa County, HON.
JUDGE BERGIN, ARIZONA DES DCSS
Angie Rodgers Director of Arizona
Department of Economic Security,*

Defendants.

Case No. 3:23-cv-01008-SB

ORDER ADOPTING F&R

Aaron Jacob Mindiola, Columbia City, OR. Pro se.

Dan L. Murphy & Bruce C. Smith, Lewis Brisbois Bisgaard & Smith LLP, 888 SW Fifth Avenue Suite 900, Portland, OR 97204. Attorneys for Defendants State of Arizona, Kris Mayes, Judge Dawn Bergin, Arizona Department of Economic Security, Division of Child Support Services, and Angie Rogers.

IMMERGUT, District Judge.

On January 29, 2024, Magistrate Judge Stacie Beckerman issued her Findings and Recommendation (“F&R”), ECF 36, recommending that the State of Arizona, Kris Mayes, Judge Dawn Bergin, Angie Rogers, and Arizona Department of Economic Security, Division of Child

Support Services’ (“DCSS”) (collectively “State Defendants”) Motion to Dismiss, ECF 20, be GRANTED. This Court ADOPTS Magistrate Judge Beckerman’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has reviewed de novo the portions of Judge Beckerman’s F&R to which Plaintiff objected. This Court adopts Judge Beckerman’s F&R, ECF 36, in full. Accordingly, this Court GRANTS the State Defendants’ Motion to Dismiss, ECF 20. This Court DISMISSES Plaintiff’s claims against the State of Arizona, Judge Dawn Bergin, DCSS with prejudice. This Court Dismisses Plaintiff’s claims against Kris Mayes and Angie Rogers without prejudice.

IT IS SO ORDERED.

DATED this 29th day of February, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge